

Appln. No. 09/960,647
Amd. dated March 22, 2005
Reply to Office Action of September 22, 2004

REMARKS

The Examiner's action dated September 22, 2004, has been received, and its contents carefully noted.

In order to advance prosecution, claims 28, 32, 35, 38 and 41 have been canceled, claims 30, 33, 36 and 44 have been amended to depend from claim 43, which defines an electrical wiring trunking comprising a cover and a base portion, claim 39 has been amended to define, in independent form, an electrical wiring trunking comprising a cover and a base portion and claim 47 has been amended by deletion of the recitation that at least one of the hole precursors is composed of a succession of through openings.

Claims 30, 31, 33, 34, 36, 37, 39, 40, 42-45, 47 and 48 are pending.

As regards the rejection presented in section 3 of the Action, claim 44 has been amended to depend from claim 43. Since claim 43 was not rejected on this ground, it is assumed that this amendment obviates this rejection of claim 44.

The rejection of claims 31, 42, 47 and 48 as anticipated by Bruggink is respectfully traversed for the reason that the thermoplastics material section defined in these

claims, and in particular in independent claim 47, is not disclosed in the applied reference.

A first point to be noted is that claim 47 is directed to a section having a "U-shaped cross section and comprising a wall having two longitudinal edges and two flanges each extending transversely to said wall". Contrary to the assertions presented in support of this rejection, the panel 10 shown in the Bruggink reference cannot properly be considered to be a section having such a U-shaped cross section.

Element 10 is described in the patent as a panel that is provided with cut-outs to provide access to wiring behind the panel. The cut-outs are provided to receive appropriate receptacles. The fact that the cut-outs are provided to receive receptacles and that wiring is behind the panel clearly indicates that such panel is a cover. Although the panel is slightly curved at two opposed edges, it is nevertheless essentially a flat panel. The slight curvature of the two edges cannot properly be considered to provide a U-shaped cross section, particularly as that term would be understood from the disclosure of the present Application.

Furthermore, the only forms of cut-outs disclosed in this reference are those in which each cut-out is formed by an endless cut that extends completely through the rigid layer or a

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cut that includes two portions that pass partially through the layer to create a pair of knock-out tabs. The reference does not disclose a hole precursor having any of the specific alternative forms now defined in claim 47.

For the above reasons, claim 47 cannot be properly considered to be anticipated by Bruggink and it is therefore requested that the rejection presented in section 3 be reconsidered and withdrawn.

The rejection presented in section 5 of the Action is also respectfully traversed. Each of the claims included in this rejection now depends, directly or indirectly, from claim 47. As already pointed out above, the primary reference, Bruggink, does not disclose any of the types of precursors now defined in claim 47. Moreover, the secondary reference, Giles, also fails to disclose any of the hole precursor forms now defined in claim 47.

Referring particularly to the assertions presented in the paragraph extending between pages 4 and 5 of the Action, it is submitted that in order to support a claim rejection, it is necessary that the prior art references teach or suggest all the claim limitations. MPEP §2142. Moreover, as further explained

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in that section of the Manual, the teaching or suggestion to make the claimed combination must be found in the prior art, and not based on applicant's disclosure. In the present case, the rejection is not based on any prior art teaching or suggestion of any of the hole precursor forms to which claim 47 is now limited. Thus, a proper basis for rejecting either claim 47, or any of the claims dependent therefrom, on the basis of the references relied upon in section 5 of the Action has not been presented.

Claim 43, as well as the claims dependent therefrom, further distinguishes patentably over any proper combination of the teachings of the applied references, by its recitation of an electrical wiring trunking comprising a cover and a base portion, the base portion being constituted by a section as defined in claim 47.

As already noted above, element 10 of Bruggink is a panel that is intended to serve as a cover for wire trunking. Therefore, this panel cannot be properly considered to correspond to a base portion of a wire trunking, which is itself to be provided with a cover.

Element 72 of Giles has an I-shaped cross section. While this reference discloses that member 72 may be cut out or perforated, there is absolutely no disclosure anywhere in this reference of the creation of hole precursors, which, by definition, must undergo further material removal to create a hole.

Simply stated, neither of the applied references discloses an electrical wiring trunking composed of a cover and a base portion that has a U-shaped cross section and that is provided with any type of hole precursor as defined in claim 47, from which claim 43 depends.

Furthermore, since Bruggink discloses a cover member while Giles discloses an internal member, one skilled in the art would have no motivation to employ cut-outs of the type disclosed by Bruggink in strip 72 of Giles.

Claim 45 further distinguishes patentably over the applied references, both in view of its dependency from claim 47 and in view of its positive recitation that at least some of the hole precursors are adapted to receive a fixation screw. Clearly, neither of the applied references discloses an opening of any type for receiving a fixation screw. In the case of each

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reference, the cut-outs are provided to receive receptacles, and this is quite different from the size and shape of a hole that is constructed to receive a fixation screw.

In further connection with the prior art rejection of claim 45, it is noted that the explanation of the rejection does not contain even an assertion that either reference discloses a hole precursor adapted to receive a fixation screw. It would appear that the conclusion that it would have been obvious to provide trunking with hole precursors holding fixation screws is utterly unsupported by any prior art evidence.

The provision of hole precursors to receive fixation screws provides a number of advantages. For example, such a hole precursor facilitates centering of a fixation screw. Moreover, if a particular hole precursor is not to be used to receive a fixation screw, then the part of the base portion containing that precursor will retain a greater degree of rigidity.

In view of the foregoing, it is submitted that all of the claims remaining in the Application now clearly distinguish patentably over the applied references and it is therefore requested that the prior art rejections be reconsidered and

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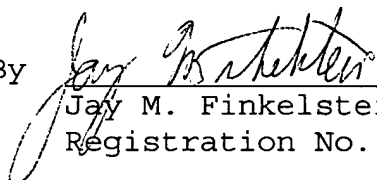
withdrawn, that the pending claims be allowed and that the Application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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